

REMARKS

Claims 1-76 are present in the present application.

The Examiner in paragraph 2 of the Official Action has objected to claim 9 as being improperly dependent. By this amendment applicants have amended the dependency of the claim 9 onto dependent claim 8. Applicants respectfully submits now appropriately dependent upon another claim.

The Examiner in paragraph 3 of the Official Action rejected claim 9 under 35 USC § 112 for improper antecedent basis. In response to the Examiner's objection, applicants have amended the third line of claim 9 by deleting "goods or service" and inserting "product". Appropriate antecedent basis is provided on independent claim 1 upon which claim 9 depends at least ultimately.

The Examiner in paragraph 4 of the Official Action rejected claims 1-17, 20, 24, 33, 44, 52, and 62-76 under 35 USC § 102(e) as being anticipated by Shiota et al. (US 6,324,521) for the reasons set forth therein.

Independent claim 1 of the present application is directed to a method for organizing a plurality of images obtained from a defined source. The method includes the steps of providing a database for storing digital images, providing at least one image to the database and automatically providing a product with respect to said at least one image after reaching a predetermined criteria. Thus, in the present invention, a product is automatically provided when a predetermined criteria is reached. For example, as discussed in instant application, when a particular time period is provided a CD is provided with all of the images obtained during that time period. See page 10, lines 14-16. As illustrated by Fig. 3b various other products may be automatically provided. As illustrated by Fig. 3c, various different sources of the images may be provided or associated with the providing of particular goods and/or service.

US Patent 6,324,521 is directed to a network photographic service. The Examiner refers to col. 4, lines 34-36 and col. 8, lines 41-43 for teaching of the automatically providing a product after reaching a predetermined criteria of time. Applicants respectfully submits that the '521 reference does not teach or suggest the automatically providing of a product after reaching a predetermined criteria as taught and claimed in independent claim 1. In particular, col. 4, lines

34-36 is merely stating that the customer has a predetermined time in which to order a product. In other words, the images that are being stored on the electronic storage site will be expunged. There is no teaching or suggestion that a product will be automatically provided at the end of this time period. Quite the contrary, it is the customer that needs to do some kind of action or otherwise have the images automatically deleted from the system. Again, this is not the providing of a product automatically as taught and claimed by applicant. The passage in col. 8, lines 41-43 is also directed to merely extending the time period in which a customer has the ability to place an order for a print. This is not the automatically providing of a product as taught and claimed by applicant. In fact, these passages teach away from automatically providing goods and/or service but is requiring the customer to take a positive action in order to provide a particular print order. Accordingly, this reference teaches away from the present invention.

Dependent claims 2-9 depend at least ultimately upon independent claim and therefore are patentably distinct for the same reason.

Claim 10, the second independent claim is directed to a system for organizing a plurality of images obtained from at least one image retaining device having a unique ID. The system includes a computer having a database for storing digital images which includes a management section capable of receiving unique IDs associated with image retaining devices. Thus, the ID is not associated with a particular customer but is associated with an image storage device i.e. such as a film cartridge. There is no teaching in the '521 reference of having a unique ID associated with the image retaining device as taught and claimed by applicant. This is an important factor in that various different sources i.e. different image retaining devices, can be the subject of a single goods and/or service to be provided. The '521 reference does not teach or suggest the storing of a unique ID number associated with a particular image retaining device as taught and claimed by applicant but instead is directed to simply identifying customers to which images are to be stored and orders are to be provided.

Claim 11 is a dependent claim dependent upon independent claim 10 which further includes the limitation of providing a particular goods and/or service upon reaching of a predetermined criteria. As previously discussed, this is not taught or suggested by the '521 reference.

Claim 17 is a third independent claim directed to a method of organizing digital images from a plurality of a discrete image retaining devices. Each of the retaining devices having a unique ID and associating a first group with a plurality of IDs which is then forwarded to a database. As previously, discussed the association of an ID of a image retaining device is not taught or suggested by the '521 reference nor is it taught or suggested of the grouping of a plurality of different image retaining devices to a single ID. Thus, claim 17 is patentably distinct for the same reasons as previously discussed.

Dependent claim 18 is dependent upon independent claim 17 and includes the additional limitation where a single ID is used to register a plurality of different image devices. Hereagain, this feature is not taught or suggested by any of the prior art.

Claim 20 is another independent claim directed to a system for organizing the images obtained from a group of a plurality of discreet image retaining devices. This claim is similar to independent claim 10 wherein the unique ID is stored and associated with a group of image retaining devices. Here again, this claim is patentably distinct for the same reasons previously discussed.

Claim 34 is yet another independent claim directed to a method for organizing a plurality of images obtained from an image source which includes the steps of providing a database for storing digital images and, providing a plurality of discreet image retaining devices in a package, each image retaining device having a unique ID. Here again, the unique ID of the plurality of image retaining devices to a database at a network photoservice provider and allowing access to the database to a customer to allow registration of the plurality of image retaining devices for that customer. This is clearly not taught or suggested by the prior art. In the prior art, there is identification of a customer not registration of unique IDs of image retaining devices as taught and claimed by independent claim 34. Thus, this claim is patentably distinct as discussed with many of the previous independent claims.

Dependent claim 36 is dependent upon claim 34 and includes the additional limitation of partitioning the plurality image retaining device into at least two subgroups wherein particular goods and/or services are associated with

each of the subgroups. This is clearly not taught or suggested by any of the references cited.

Independent claim 44 is another independent claim directed to a method of organizing images obtained from a plurality of discrete image retaining devices, each image retaining device having a unique ID. The method includes the steps of obtaining the ID of a plurality of image retaining devices and forwarding an ID to a database and network service provider as previously discussed. Here again, the customer accesses the database and registers at least one of the image retaining devices to the customer and associating the providing of goods and/or services to the image obtained from at least one image retaining device. Thus, in this particular claim the customer not only registers the ID of the image retaining device but also associates a particular goods and/or service to be provided with respect thereto. This is not taught or suggested by the prior art.

Claim 53 is the next independent claim which is directed to a method for organizing a plurality of images obtained from an image source. This method also includes providing a plurality of discrete image retaining devices in a package. Each image retaining device having a unique ID and the package also having a unique packaging ID. The unique ID of the image retaining device and the package ID are both sent to the network photoservice provider for storage. Clearly this is not taught or suggested by the prior art. There is no teaching or suggestion of both the ID of the image retaining device and of the package in that contain the image retaining devices and sending it to a network photoservice provider for storage. The claim further includes allowing accesses for allowing registration of the package ID and image retaining device.

Claim 59 is another independent claim which is also directed to a method for organizing a plurality of images obtained from a plurality of strips of photographic film. This claim is similar to claim 53 except instead of referring to an image retaining device, strips of photographic film are provided. Thus, this claim is patentably distinct for the same reasons previously discussed.

Claim 62 is directed to a system for organizing images obtained from a plurality strips of photographic film as opposed to the discrete image retaining device using an unique ID associated with each of said strips. This is not taught or suggested by the prior art.

Claim 71 is the last independent claim and is directed to a method of organizing images obtained from an image retaining device. Here again as previously discussed, the image retaining device is provided with a unique ID which is then forwarded to a network photoservice provider for storage. Here again, this is not taught or suggested for the reasons previously discussed.

In view of the foregoing applicant respectfully submits that the "521 reference to Shiota does not teach or suggest any of the independent claims as taught and claimed by applicant.

The Examiner in paragraph 5 rejected claims 18, 19, 21-23, 34-43, and 53-61 under 35 USC § 103(a) as being unpatentable over Shiota et al., in view of Nakagoshi (5,020,669) and further in view of Egan (6,273,986) for the reasons set forth therein. Applicant respectfully submits that none of these references teach or suggest the invention as described above. Neither Nakagoshi or Egan teach the providing of a unique ID associated with the image retaining device for storage at a remote service provider location as taught and claimed by applicant. The Nakagoshi reference merely teaches the use of a barcode printed on a package which identifies a particular type of product. It does not particularly identify that particular role of film having a unique ID but the type of product being used. Thus, it could not teach or suggest the invention as taught and claimed by applicant. Egan does not add anything which would render applicants' claims obvious.

In view of the foregoing applicant respectfully submits that the claims in present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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Version With Markings to Show Changes Made

In the Specification:

The paragraph beginning on page 1, line 3 has been amended as set forth below:

U. S. Serial No. 09/470,938, filed, December
22, 1999, entitled "A KIT FOR ORGANIZING A PLURALITY OF IMAGES";
~~Docket No. 80369/F.P.~~

In the Claims:

9.(Once Amended) A method according to claim ~~9~~8 further
comprising the steps of providing computer software to said customer for
allowing the customer to modify said at least one image prior to providing said
~~goods or service~~product.

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